

The U.S. Supreme Court ruled in *Obergefell v. Hodges* that the constitutional right to marry extends to same-sex couples. As a result, LGBT Texans now enjoy the freedom to marry in Texas. What does that mean for you?

Do we need a Texas marriage license to get married in Texas?

Yes.

Where do we get our marriage license?

At any county clerk's office anywhere in the state.

What do we need to get one?

You have to appear in person before the county clerk, have a valid ID, fill out the application, and take the oath printed on the application.

What counts as a valid ID?

Driver's license, passport, Certificate of U.S. Citizenship, Certificate of Naturalization, U.S. Citizen ID Card, Permanent Resident Card, and so on. Contact us for a comprehensive list of valid IDs.

Do I have to be a resident of Texas to get a marriage license?

No.

Do my partner and I have to apply together?

No. Any adult can apply on behalf of an absent applicant who is 18 or older.

How much does it cost for a marriage license?

Between \$31 and \$71, depending on where you apply.

How long do I have to wait to get married?

72 hours after your marriage license is issued.

Are pre-marital education courses worth it?

Perhaps. Your marriage license fees and 72 hour waiting period can be waived if you take one, so it's up to you.

Who can perform the wedding?

Judges, magistrates, or any officer of a religious organization authorized to perform weddings.

What if we were married in another state? Are we now married in Texas?

Yes.

Do I have to change my last name?

No, but you certainly can!

What kinds of benefits do we get from being married?

Some of this is complicated and will depend on where you live and whom you work for, but there are a number of health insurance benefits, work rights, inheritance and property rights, tax benefits, spousal privileges, and immigration, social security, and military benefits that are now available to you.

What about obligations?

You and your spouse have a duty to support one another with necessities, and you're also liable for your spouse's debts. There are some restrictions on your freedom to make decisions about property as well.

Can a member of the clergy refuse to marry my partner and me?

Yes. That is any clergy member's First Amendment right.

Can an employee in the clerk's office refuse to give me a marriage license because of a personal or religious objection?

No, and if they do, contact us immediately at info@aclutx.org.

Can a private business, such as a florist or a photographer, refuse to provide me services because I'm marrying someone of the same sex?

That depends on where you live. LGBT Texans enjoy broad protections in cities with Non-Discrimination Ordinances. These cities include Austin, Dallas, El Paso, Fort Worth, Houston, and San Antonio. Unfortunately, outside of these cities there is no state or federal law preventing businesses from discriminating against you. This also applies to employment rights, housing, and joint adoptions. We're working on that.

What is my legal relationship to my partner's biological children?

Unless you adopt them, you are not automatically granted parental rights just because you're married.

What if we get divorced? Can I still see my spouse's children?

That depends on a lot of factors, but it's much more likely if you establish a legal relationship with them.

What if I am discriminated against?

Whether you have been legally discriminated against depends on a lot of factors, but if you're unsure, contact us.

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